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Craig L. Reding

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EXAMINER

NGUYEN, QUYNH H

ART UNIT

PAPER NUMBER

2614

NOTIFICATION DATE

DELIVERY MODE

12/19/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@verizon.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/720,661	<b>Applicant(s)</b> REDING ET AL.	
	<b>Examiner</b> QUYNH H. NGUYEN	<b>Art Unit</b> 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-87, 89 and 90 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-87, 89 and 90 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. In response to a telephone call from Applicant's Representative Mr. Bell, the Final Office action sent 9/29/08 is withdrawn.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### ***Claim Rejections - 35 USC § 101***

3. Claims 82-85, claim the non-statutory subject matter of a computer-readable storage medium. In Applicant's specification paragraph [128] discloses computer-readable media such as a carrier wave received from a network such as the Internet. Therefore, since the claimed programs are not tangibly embodied in a physical medium and encoded on a computer-readable media then the Applicants has not complied with 35 U.S.C 101. Applicant is suggested to amend claims 82-85 to recite a tangible computer-readable storage medium excluding carrier wave.

#### ***Claim Rejections - 35 USC § 102***

4. Claims 1-9, 12-13, 16, 22, 26-27, 33-37, 41-49, 52-53, 56, 62, 66-67, 73-77, 82-83, 87, and 90 are rejected under 35 U.S.C. 102(e) as being anticipated by Malik (US Patent 6,801,610).

As to claims 1, 41, and 90, Malik teaches a method for providing a conference call comprising:

detecting a conference call event that was previously configured by a subscriber user (Fig. 2, 200-204; col. 5, lines 26-28 and lines 37-41);

identifying, without user intervention, participant users associated with the conference call event (col. 2, lines 25-36 - *where Malik discussed receiving information regarding one or more telephone numbers for each participant*);

contacting the participant users (col. 2, lines 34-35);

receiving a response from the participant users (col. 5, line 61 - *the participant goes off-hook and answer*; col. 6, lines 3-7); and

establishing a conference call between the participant users and the subscriber user based on the received responses (col. 6, lines 9-10).

As to claims 2-3, 34, 42-43 and 74, Malik teaches scanning a data structure which is a calendar application associated with the subscriber user for the conference call event (col. 2, lines 25-36 - *where Malik discussed collecting information regarding a time and date of the conference, number of participants, telephone numbers for each participant*).

As to claims 4, 44, Malik teaches the conference call event is a trigger indicating a proposed conference call (col. 5, lines 25-45).

As to claims 5-6 and 45-46, Malik teaches collecting an identifier for the participant users from a first data structure corresponding to the conference call event

and collecting contact information for the participants users from a second data structure based on the participant user identifiers (col. 5, lines 26-45).

As to claims 7, 47, Malik teaches collecting contact information associated with the participant users (col. 2, lines 25-30); and establishing a communication connection with the participant users using the contact information (col. 2, lines 30-35).

As to claims 8, 48, Malik teaches dialing out to participant users using a respective telephone number (col. 2, lines 34-35).

As to claims 9 and 49, Malik teaches contacting the participant users includes calling the participant users using a telephone number and receiving a response from the participant users includes: for a participant user providing an indication to the subscriber reflecting whether the participant answers the call (col. 3, lines 10-12; col. 10, lines 2-5).

As to claims 12 and 52, Malik teaches providing an acceptance message to the subscriber when the participant answers the call (col. 5, lines 55-58 - *where Malik discussed providing a termination notification, for example, notification messages*).

As to claims 13 and 53, Malik teaches determining whether the participant accepts the call (col. 5, lines 60-61).

As to claims 16 and 56, Malik teaches establishing a communication connection between participant and the subscriber such that the subscriber and the participant may conduct a conference call (col. 2, lines 34-36 col. 5, lines 60-61 and col. 6, lines 15-17).

As to claims 22 and 62, Malik teaches determining whether a participant user has a preferred device and contacting a participant user through the preferred device when

the participant user has a preferred device (col. 2, lines 25-30 - *where Malik discussed receiving information regarding one or more telephone numbers for each participant, hence it is inherent that the telephone number is the number of participant's preferred device that the participant provided*).

As to claims 26-27 and 66-67, Malik teaches the subscriber configures the conference call by scheduling the conference call in a calendar application for a predetermined date and time and adding participants that the subscriber intends to participate in the conference call (col. 2, lines 25-34 - *where Malik discussed receiving information regarding telephone numbers for participants and forwarding to a storage database, hence adding participants to the database for the conference*).

As to claims 33, 73, and 87 Malik teaches:

detecting a conference call event previously configured by a subscriber that indicates when a conference call should be established between the subscriber and participants (col. 2, lines 25-35);

identifying, without user intervention, the participant users associated with the conference call event (col. 2, lines 25-36 - *where Malik discussed receiving information regarding one or more telephone numbers for each participant*);

collecting contact information for the participants (col. 2, lines 28-32);

providing a message including the contact information to a conference server that is configured to instruct a conference bridge to establish the conference call between the users by calling the participants using the contact information included in the message; and receiving a response message from the conference server including

information associated with the conference call and at least one participant (col. 2, lines 11-35; col. 4, line 37 through col. 5, line 3).

Claims 35 and 75 are rejected for the same reasons as discussed above with respect to claims 6-7.

Claims 36 and 76 are rejected for the same reasons as discussed above with respect to claim 33.

As to claims 37 and 77, Malik teaches providing the response message when attempting to establish communications with the participant over a voice network (col. 6, lines 6-14 col. 5, lines 55-58 - *where Malik discussed providing a termination notification/message*).

Claims 82-83 are rejected for the same reasons as discussed above with respect to claims 1 and 33, respectively. Furthermore, Malik teaches a computer readable medium including instructions for performing when executed by a processor (col. 3, line 25 through col. 5, line 3).

5. Claim 86 is rejected under 35 U.S.C. 102(e) as being anticipated by Wu (U.S. Patent 6,275,575).

As to claim 86, Wu teaches a method for providing a conference call comprising:  
detecting a conference call event that was previously configured by a subscriber user (Fig. 6; col. 8, lines 38-41; col. 9, lines 60-61);

identifying participant users associated with the conference call event (col. 5, lines 53-57 - *selected participants*);

contacting the participant users (col. 3, lines 3-10);  
receiving a response from the participant users (col. 3, lines 10-12); and  
establishing a conference call between the participant users and the subscriber  
user based on the received responses (col. 5, line 66 through col. 6, line 4),  
wherein at least one of the contacting, receiving and establishing steps is  
performed without user intervention (col. 3, lines 22-26 - *where Wu discussed the  
telephone conference server automatically initiate contact with the selected participants  
at a pre-determined time, hence contacting is performed without user intervention*).

### ***Claim Rejections - 35 USC § 103***

6. Claims 10-11, 14-15, 23-25, 50-51, 54-55, and 63-65 are rejected under 35  
U.S.C. 103(a) as being unpatentable over Malik (US Patent 6,801,610).

As to claims 10-11 and 50-51, Malik does not teach providing no contact  
message to the subscriber when the participant does not answer the call and providing  
no conference call message to the subscriber when none of the participant answer  
calls. It would have been obvious that if participant / none of participants response,  
then there is no information to provide to the coordinator, and if there is no participants  
replied to invitations then there is not conference at all.

As to claims 14-15 and 54-55, Malik does not explicitly teach performing a  
feedback process when the participant declines the call. However the option of  
declining the call without any further processing by the participant is the prefer case in



Malik's system because only subscribers' responses are forwarded to the coordinating server device and coordinator for later being contacted at a pre-determined conference time, and there is no mention about further processing on declined participants.

As to claims 23-24 and 63-64, Malik teaches generating a CreateCall function telephone conference information and how to configure the conference call; generating instructions for setting up the conference call and the telephone numbers (col. 5, lines 47-58). Malik does not explicitly teach generating a first message and a second message based on the first message. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wu's conference system to have additional steps of generating messages for the same purpose of scheduling, configuring, and setting up conferences.

As to claims 25 and 65, Malik teaches calling the participants using the telephone number (col. 2, lines 18-24; col. 5, lines 55-58).

7. Claims 17 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Malik (US Patent 6,801,610) in view of Herr et al. (US Patent 4,540,850).

As to claims 17 and 57, Malik does not teach detecting when one of the participants terminates its contact during the conference call; providing a termination message to the subscriber indicating that the participant has ended participation in the conference call.

Herr et al. teaches detecting when one of the participants terminates its contact during the conference call; providing a termination message to the subscriber indicating

that the participant has ended participation in the conference call (col. 1, lines 52-54; col. 19, lines 21-24).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Herr into the teachings of Malik for the purpose of having a more efficient system by informing the conference originator or subscriber about the termination participant in order to give the subscriber opportunity to reestablish a connection to the participant if it was an inadvertently terminated.

8. Claims 18-21 and 58-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Malik (US Patent 6,801,610) in view of Kermani (US Patent 6,697,796).

As to claims 18 and 58, Malik does not teach recording audio information, converting at least some of the audio information to text information, and recording the text information in a transcript reflecting a textual temporal based representation of communications that have taken place between users.

Kermani teaches recording audio information between users (col. 2, lines 9-12), converting at least some of the audio information to text information (Fig. 3, 102), and recording the text information in a transcript reflecting a textual temporal based representation of communications that have taken place between users (col. 3, lines 30-33; col. 4, lines 25-30; col. 5, lines 44-50).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Kermani into the teachings of Malik

for the purpose of later playing back to users when certain important information need to be reviewed.

As to claims 19 and 59, Kermani teaches particular textual string are located, the particular audio segments recorded may be played or accessed in whole or in relevant part (col. 4, lines 34-37). Hence, It would have been obvious to one of ordinary skill in the art at the time the invention was made that if portion of relevant part recorded and played and there are still other portions of audio segments stored in database or transcript (col. 4, lines 40-43).

As to claims 20-21 and 60-61, Malik and Kermani do not teach providing the transcript to the subscriber including attaching the transcript to an e-mail addressed to the subscriber. Attaching a file and sending to users via e-mail is well known and the advantage of using it is also well known. For example, if receiver needs to edit the file for some minor changes. 7.

9. Claims 28-32 and 68-72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Malik (US Patent 6,801,610) in view of Chakrabarti et al. (US Patent 6,163,692).

As to claims 28-29 and 68-69, Malik does not teach detecting when a participant was dropped from the conference and determining whether the participant has a preferred device registered, attempting to contact the participant through the preferred device.

Chakrabarti et al. teaches detecting when a participant was dropped from the conference and attempting to contact the participant through a device (col. 3, lines 4-16). Chakrabarti further teaches users device's is mobile devices, and the participant has a registered preferred device (col. 13, line 67 through col. 14, line 7).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Chakrabarti into the teachings of Malik for the purpose of have a more efficient system and allowing participants to rejoin the conference after a lost connection due to any reasons without having to redial the conference number again.

As to claims 30 and 70, Chakrabarti et al. teaches re-establishing the user with the conference call based on a determination that the user wished to continue participation in the conference call (col. 3, lines 16-24 - *where Chakarbarti discussed automatically re-establish connection in response to detection of an unintentional disconnection, therefore the user wished to continue participate in the conference since it was a unintentionally disconnection*).

As to claims 31 and 71, Chakrabarti et al. teaches determining contact information associated with a device used by the participant to participate in the conference call; and re-establishing the user with the conference call using the contact information (col. 3, line 10 through col. 4, line 4).

As to claims 32 and 72, Chakrabarti et al. teaches detecting when a participant has terminated participation in the conference call; and determining whether the participant voluntarily or involuntarily terminated participation in the conference call

based on the type of device the participant was operating during participation in the conference call (col. 3, line 10 through col. 4, line 4).

10. Claims 38 and 78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Malik (US Patent 6,801,610) in view of Gottlieb et al. (US Patent 5,638,434).

As to claims 38 and 78, Malik does not teach the response comprises at least one of: information stating that at least one participant is declining the call; information stating that at least one participant is accepting the call.

Gottlieb et al. teaches the response comprises at least one of: information stating that at least one participant is not answering the call; information stating that at least one participant is accepting the call (col. 6, lines 32-37).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Gottlieb into the teachings of Malik for the purpose of allowing the conference operator to proceed dialing the next participant if the dialed participant does not answering the call or marking the conference port as occupied if the participant accept the call.

11. Claims 39, 79, and 84 are rejected under 35 U.S.C. 103(a) as being unpatentable over Malik in view of Gottlieb et al. (US Patent 5,638,434) and further in view of Chakrabarti et al. (US Patent 6,163,692).

Claims 39 and 79 are rejected for the same reasons as discussed above with respect to claims 28, 30, 33, and 38.

Claim 84 is rejected for the same reasons as discussed above with respect to claim 39. Furthermore, Malik teaches a computer readable medium including instructions for performing when executed by a processor (col. 3, line 25 through col. 5, line 3).

12. Claims 40, 80-81, 85, and 89 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wu (U.S. Patent 6,275,575) in view of Gottlieb et al. (US Patent 5,638,434).

As to claims 40, 80, 85, and 89, Wu teaches receiving a message from a first server including instructions for establishing a conference call between participants and a subscriber that previously scheduled the conference call with a second server (col. 2, line 43 through col. 3, line 12; col. 5, lines 45-63), wherein the second server automatically initiates configuration of the conference call based on the subscriber's schedule by providing to the first server contact information for participants (col. 3, lines 13-26; col. 5, line 64 through col. 6, line 6); calling the participant users using the contact information included in the message (col. 3, lines 22-26; col. 5, line 66 through col. 6, line 4). Wu does not explicitly teach receiving a response from the participant users, where the response reflects whether the participant user has answered, accepted, not answered, or declined to accept the call; and establishing a conference call between the users based on the response received from the participant users. It would have been obvious to one of ordinary skill in the art that when participant users

go off-hook or the participant user has answered the call then being connected to the conference.

Wu does not teach the response comprises at least one of: information stating that at least one participant is declining the call; information stating that at least one participant is accepting the call.

Gottlieb et al. teaches the response comprises at least one of: information stating that at least one participant is not answering the call; information stating that at least one participant is accepting the call (col. 6, lines 32-37).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Gottlieb into the teachings of Wu for the purpose of allowing the conference operator to proceed dialing the next participant if the dialed participant does not answering the call or marking the conference port as occupied if the participant accept the call.

Claim 81 is rejected for the same reasons as discussed above with respect to claim 80. Furthermore, Wu teaches a conference bridge for receiving messages, extracting the phone numbers from the message and calling the participants using the phone numbers, and establishing a conference call between the participants and the subscriber (col. 8, lines 4-23), wherein the users schedule conference calls for future dates and automatically attempt to establish the conference calls when the future dates arrive (col. 3, lines 13-26).

### ***Response to Arguments***

13. Applicant's arguments filed 6/30/08 with respect to claims 40, 80-81, 85-86, and 89 have been fully considered but they are not persuasive.

Applicant's arguments with regard to the 101 rejection to claims 82-85 is not persuasive because there is no different between computer readable media and computer readable storage medium. Applicant is suggested to amend claims 82-85 to recite A tangible computer-readable storage medium excluding carrier wave.

With respect to claim 86, Applicant argues that Wu does not teach wherein at least one of the contacting, receiving, and establishing steps is performed without user intervention. Examiner respectfully disagrees. Wu teaches the telephone conference server automatically initiate contact with the selected participants at a pre-determined time (col. 3, lines 22-26). The claim recites the language at least one of the contacting, hence the cited portion of Wu teaches the claimed invention.

Applicant argues that Wu does not teach automatically initiates configuration of the conference call based on the subscriber's schedule by providing to the first server contact information for the participant users. Examiner respectfully submits that Wu teaches the telephone conference server automatically initiated contact with the selected participants at a pre-determined time (col. 3, lines 25-26) based on the subscriber's schedule information (col. 2, line 47 through col. 3, line 26), and when participant users go off-hook or the participant user has answered the call then being connected to the conference.

Claims 1, 33, 39-40, 86-87, 89 are method claims. In order for a method to be considered a "process" under 101, a claimed process must either (1) be tied to another



statutory class (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or materials) (*Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780, 787-788 (1876)). If neither of these requirements is met by the claims, the method is not a patent eligible process under 101 and is non-statutory subject matter. Thus, to qualify as a statutory process, the claim should positively recite the other statutory class (the thing or product) to which it is tied, for example, by identifying the apparatus that accomplishes the method steps, or positively recite the subject matter that is being transformed, for example, by identifying the material that is being changed to a different state. Claims 41 and its dependent, claims 73 and its dependent, 79-80, and 90 are drawn to a system comprises various means. Through out the specification suggesting the use of program code for implementing the system, method, and specific services of the service center. Therefore the specification provides evidence that the claimed system cover nonstatutory embodiment, i.e. software per se. Failure to make appropriate corrections will lead to 101 rejections.

14. Applicant's arguments with respect to claims 1-39, 41-79, 82-84, 87 and 90 have been considered but are moot in view of the new ground(s) of rejection.

### **Conclusion**

15. Applicant's amendment with respect to claims 1-39, 41-79, 82-84, 87 and 90 necessitated the new ground(s) of rejection presented in this Office action. Accordingly,

**THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to QUYNH H. NGUYEN whose telephone number is 571-272-7489. The examiner can normally be reached on Monday - Thursday from 6:30 A.M. to 5:00 P.M. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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/Quynh H Nguyen/

Primary Examiner, Art Unit 2614